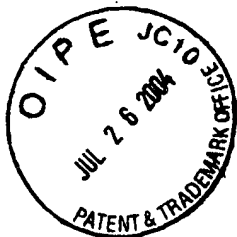


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IN THE

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Olorenshaw et al.

SERIAL NO.: 09/369,031

FILED: August 4, 1999

TITLE: System And Method For Speech Recognition
Using An Enhanced Phone Set

EXAMINER: Knepper, D.

ART UNIT: 2654

ATTY DKT NO: 3188.01/1144

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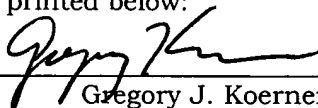
AUG 05 2004

Technology Center 2600

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date printed below:

Date: 7/20/04


Gregory J. Koerner

Petition To Withdraw Holding Of Abandonment Under Rule 181,

And Resubmission Of Response To Office Action

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Applicants respectfully request the withdrawal of the holding of abandonment of U.S. Patent Application 09/369,031 under Rule 181.

A Notice of Abandonment, mailed June 30, 2004, states that the above-referenced Application is abandoned because of "failure to timely file a proper reply" to the Office Action mailed on December 17, 2003. Applicants respectfully traverse.

On March 16, 2004, Applicants timely filed a proper Amendment and Response to the foregoing Office Action including a Certificate of Mailing, a confirmation postcard, and a check for \$430.00. Applicants have since received the foregoing confirmation postcard back from the Office of Initial Patent Examination with a receipt date stamp of March 19, 2004. In addition, Examiner David Knepper has indicated that the foregoing check for \$430.00 was cashed by the USPTO on March 22, 2004.

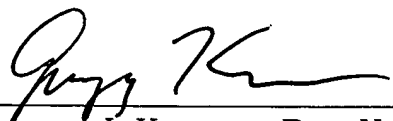
In accordance with Examiner Knepper's telephone instructions of July 8, 2004, Applicants therefore herewith resubmit the missing Response and Amendment that was originally filed on March 16, 2004. Also included are a copy of the cashed check for \$430.00 and a copy of the confirmation postcard received back from the Office of Initial Patent Examination with a receipt date stamp of March 19, 2004.

For at least the foregoing reasons, Applicants therefore respectfully request that the USPTO issue a formal written withdrawal of the holding of abandonment of U.S. Patent Application 09/369,031 under Rule 181. Applicants further request that the resubmitted Response and Amendment be entered and considered by the USPTO. Applicants believe that no further fees are currently due in this Application, however, Applicants authorize the USPTO to charge any additional fees, or to credit any overpayments, to Deposit Account No. 50-1443.

If there are any questions or comments concerning this Petition or the resubmitted Response and Amendment, the USPTO is invited to contact the Applicants' undersigned representative at the telephone number provided below.

Respectfully submitted,

Date: 7/28/04

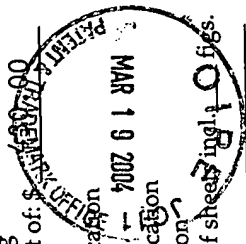
By: 
Gregory J. Koerner, Reg. No. 38,519
SIMON & KOERNER LLP
10052 Pasadena Avenue, Suite B
Cupertino, CA 95014
(408) 873-3943



Serial No.: 09/369,031 Filing Date: August 4, 1999
Title: System And Method For Speech Recognition..
Inventor(s) / Applicant(s): Olorenshaw et. al.
Atty. Docket No.: 3188_01/1144 Atty / Secty Initials: GJK/nmk
Date Mailed: March 16, 2004 Docket Due Date: _____

PLEASE RETURN TO THE OFFICE OF THE COMPTROLLER OF THE PATENT & TRADEMARK

- ☒ Amendment / Response: 27 pgs.
☐ Assignment & Assignment Cover Sheet
☒ Certificate of Mailing
☒ Check in the amount of: \$ 430.00
☐ CIP Application
☐ Continuation Application
☐ Declaration & POA
☐ Design Patent Application
☐ Divisional Application
☐ Drawings: 1 # of sheets 1 of 1 figs.
☐ Express Mail No.: _____
☐ Fee Calculation Sheet
☐ Information Disclosure Statement
☐ Issue Fee Transmittal
☐ Other: _____
- ☐ Power of Attorney
☐ PTO Form 1449 IDS (in duplicate)
☐ Cited References
☐ PCT Application: _____ pgs. of specification (w/ claims & abstract)
☐ PCT Demand: _____ pages
☐ PCT Request: _____ pages
☐ Provisional Application: _____ pages
☐ Petition of Ext. of Time: _____ months
☒ Transmittal Letter (in duplicate, PTO form 1082 / 1083)
☐ Utility Application: _____ pgs. of specification (w/ claims & abstract)
☐ Petition for: _____



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SIMON & KOERNER LLP

10052 PASADENA AVE., STE B • (408) 873-3940
CUPERTINO, CA 95014

11-35-1210

DATE March 2, 2004

PAY TO THE
ORDER OF

Commissioner of Patents
Four hundred thirty and 00/100

\$ 430.00

DOLLARS



Cupertino
20553 Stevens Creek Blvd.
Cupertino, CA 95014
408.853.0558

[Signature]

FOR 50541144 Amendment

⑈001086⑈ ⑆121000358⑆ 06815⑈13689⑈

MP



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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/369,031	08/04/1999	LEX S. OLORENSHAW	3188.01/1144	6238

24272 7590 06/30/2004

Gregory J. Koerner
Simon & Koerner LLP
10052 Pasadena Avenue, Suite B
Cupertino, CA 95014

EXAMINER

KNEPPER, DAVID D

ART UNIT

PAPER NUMBER

2654

DATE MAILED: 06/30/2004



Please find below and/or attached an Office communication concerning this application or proceeding.

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Notice of Abandonment

Application No.

09/369,031

Examiner

David D. Knepper

Applicant(s)

OLORENSHAW ET AL.

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 17 December 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

David D. Knepper
Primary Examiner
Art Unit: 2654

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.